IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5777 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

M B BHATT

Versus

STATE OF GUJARAT

Appearance:

MR B.S.JOSHI FOR MR SHIRISH JOSHI for Petitioner

MS HANSA PUNANI AGP for Respondents

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 03/03/2000

ORAL JUDGEMENT

1. In this petition filed under Article 226 of the Constitution of India the petitioner has brought under challenge the order dated 17.9.1987, Annexure A to the petition, whereby the petitioner is made compulsorily retire from service.

2. Learned advocate Mr. B.S. Joshi states that he has received information that the petitioner has died in the year 1997 and thereafter he has not received any instruction from the heirs of the petitioner as to what is to be done in the matter now. It may be appreciated that the petitioner was made to compulsorily retire from service by order dated 17.9.1987 and since the learned advocate for the petitioner has not received any instruction from the heirs of the petitioner this petition is required to be disposed of by reserving liberty to apply in case of difficulty.

3. In the result, the petition is rejected with no order as to costs. Liberty is reserved to the heirs and legal representatives of the petitioner to apply in case of difficulty in future. Rule is discharged.

3.3.2000. (A.M.Kapadia, J.)

(karan)